

## PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Li Wang Examiner: Alyssa M. Alter  
Serial No.: 10/684,759 Group Art Unit: 3762  
Filed: 14 October 2003 Docket: P0011118.00  
Conf. No.: 3360  
Title: METHOD AND APPARATUS FOR MONITORING TISSUE FLUID  
CONTENT FOR USE IN AN IMPLANTABLE CARDIAC DEVICE

## **CORRECTED APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following Brief is submitted pursuant to the Notice of Non-compliant Appeal  
Brief mailed September 28, 2009. Sections III and IV are re-submitted.

Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.16, 1.17, 1.136(a), or any additional fees to Deposit Account 13-2546.

III. Status of the claims

Claims 1 – 71 are cancelled. To the best of Applicants' knowledge, claims 72 – 106 are pending. As noted below, no advisory action was received following the Amendment filed March 30, 2009. It is believed that the Amendment should properly have been entered following the submission of the Notice of Appeal, if not entered sooner. However, in the absence of an Advisory Action, Applicants cannot be sure this has happened. It is clear that all pending claims stand rejected

The rejections of claims 80 - 81, 82 (first occurrence) 83 – 86 and 95 – 102 are hereby appealed.

IV. Status of amendments

The Amendment mailed March 30, 2009 is apparently un-entered. Applicants have received no advisory action following submission of the amendment.

By means of the amendment of March 30, it was proposed that claims 72 – 79, 82 (the second), 87 – 94 and 103 -106 were to be cancelled. Claims 80, 83, 85, 95, 98, 99, and 101 were to be rewritten as independent claims but otherwise left unchanged. Claims 81, 82 (the first), 84, 86, 96, 97, 100, and 102 were to remain as previously submitted.

The Claims Appendix contains clean copies of the claims both as proposed to be amended and without amendment. The claims appealed are identical in scope in both their amended and un-amended versions.

Applicant does not believe there are any fees due with this response. However, the Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: October 27, 2009

/Reed A. Duthler/

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